AMENDMENT

Please amend the following claims and add new claim 100:

24. (Amended) A composition [consisting essentially of] comprising:

[sample] a nucleic acid comprising a target nucleic acid sequence,

a first oligonucleotide which hybridizes at or near the 3' end of said target nucleic acid sequence,

a second oligonucleotide which hybridizes at or near the 3' end of a nucleic acid sequence perfectly complementary to said target nucleic acid sequence; wherein one of said first and second oligonucleotides comprises a first promoter-primer or a primer, and the other of said first and second oligonucleotides comprises at least two members both comprising a nucleotide sequence in common but different 3' ends, in that the 3' end of one member is modified to reduce or block extension of said oligonucleotide by a polymerase while the 3' end of the other

member is either unmodified or differently modified to reduce or block extension of said oligonucleotide by a polymerase,

[a first and a second oligonucleotide of opposite sense, one of said first or second oligonucleotides being able to hybridize at or near the 3'-end of said target nucleic acid sequence and the other of said first or second oligonucleotides being able to hybridize at or near a 3'-end of a nucleic acid sequence complementary to said target nucleic acid sequence, wherein one of said first or second oligonucleotides comprises a first promoter-primer and consists essentially of a single nucleic acid sequence having both modified and unmodified members, wherein said modified oligonucleotide is modified to reduce extension of said oligonucleotide by a polymerase compared to an unmodified oligonucleotide; and the other of said first or second oligonucleotides comprises a primer or a second promoter-primer,]

one or more DNA and/or RNA dependent DNA polymerases, and

an RNA polymerase that recognizes a promoter within one or both of said first or second promoter-primers.

35. (Amended) A kit comprising [the following components]:

a first oligonucleotide which hybridizes at or near the 3' end of said target nucleic acid sequence,

a second oligonucleotide which hybridizes at or near the 3' end of a nucleic acid sequence perfectly complementary to said target nucleic acid sequence, wherein one of said first and second oligonucleotides comprises a first promoter-primer or a primer, and the other of said first and second oligonucleotides comprises at least two members both comprising a nucleotide sequence in common but different 3' ends, in that the 3' end of one member is modified to reduce or block extension of said oligonucleotide by a polymerase while the 3' end of the other member is either unmodified or differently modified to reduce or block extension of said oligonucleotide by a polymerase,

[a first and a second oligonucleotide of opposite sense, one of said first or second oligonucleotides able to complex at or near the 3'-end of a target nucleic acid sequence and the other of said first or second oligonucleotides able to complex at or near a 3'-end of a nucleic acid sequence complementary to said target nucleic acid sequence, wherein one of said

first or second oligonucleotides comprises a first promoter-primer and consists essentially of a single nucleic acid sequence having both modified and unmodified members or a mixture of differently modified members, and the other of said first or second oligonucleotides comprises a primer or a second promoter-primer, wherein said modified member is modified to reduce extension of said oligonucleotide by a polymerase compared to an unmodified oligonucleotide;]

one or more DNA and/or RNA dependent DNA polymerases, and

an RNA polymerase that recognizes a promoter within one or both of said first or second promoter-primers.

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39. (Amended) A kit <u>for amplifying *Mycobacterial* nucleic acid,</u> containing <u>at least one of a first and second oligonucleotide; said first oligonucleotide comprising xGCCGTCACCCCACCAACAAGCT, and said second oligonucleotide comprising xGGGATAAGCCTGGGAAACTGGGTCTAATACC, wherein x is nothing or is a sequence recognized by an RNA polymerase and each said oligonucleotide is about 22 to about 100 bases in length</u> [two

oligonucleotides each consisting essentially of a single nucleic acid sequence selected from the group consisting of xGCCGTCACCCCACCAACAAGCT, xGGGATAAGCCTGGGAAACTGGGTCTAATACC, xCCAGGCCACTTCCGCTAACC, and xCGCGGAACAGGCTAAACCGCACGC, wherein x is nothing or is a sequence recognized by an enzyme].

40. (Amended) An oligonucleotide [consisting essentially of] of about 20 to about 100 bases in length comprising a [single] nucleic acid sequence [and] selected from the group consisting of xGCCGTCACCCCACCAACAAGCT, xGGGATAAGCCTGGGAAACTGGGTCTAATACC, xCCAGGCCACTTCCGCTAACC, [and] xCGCGGAACAGGCTAAACCGCACGC, and their fully complementary sequences of the same length [or an oligonucleotide complementary to any one of said single nucleic acid sequences], wherein x is nothing or is a sequence recognized by [an enzyme] an RNA polymerase.

41. (Amended) A kit for amplifying and detecting *Mycobacterial* nucleic acid, containing a first oligonucleotide[s] [consisting essentially of] of about 24 to about 100 bases in

length comprising a nucleotide base sequence GTCTTGTGGTGGAAAGCGCTTTAG and at least one additional oligonucleotide of about 23 to about 100 bases in length selected from the group consisting of xGCCGGTCACCCCACCAACAAGCT and xGGATAAGCCTGGGAAACTGGGTCTAATACC [the following sequences: xGCCGTCACCCCACCAACAAGCT, xGGGATAAGCCTGGGAAACTGGGTCTAATACC, and GTCTTGTGGTGGAAAGCGCTTTAG], wherein x is nothing or is a sequence recognized by [an enzyme] an RNA polymerase.

42. (Amended) A kit for amplifying and detecting *Mycobacterial* nucleic acid, containing a first oligonucleotide[s] [consisting essentially of] of about 23 to about 100 bases in length comprising a nucleotide base sequence GGAGGATATGTCTCAGCGCTACC and at least one additional oligonucleotide of about 20 to about 100 bases in length selected from the group consisting of xCCAGGCCACTTCCGCTAACC and xCGCGGAACAGGCTAAACCGCACGC [the following sequences: xCCAGGCCACTTCCGCTAACC, xCGCGGAACAGGCTAAACCGCACGC, and GGAGGATATGTCTCAGCGCTACC], wherein x is nothing or is a sequence recognized by [an enzyme] an RNA polymerase.

48. (Amended) The kit of claim 41 wherein one or more of said sequences has a [modified] 3' end modified to reduce or block extension by a polymerase.

49. (Amended) The kit of claim 41 wherein at least one said oligonucleotide comprises[ing] a mixture comprising modified and unmodified members comprising [one or more of said sequences] a common nucleotide sequence.

50. (Amended) The oligonucleotide of claim 40 wherein said [sequence] oligonucleotide, or said oligonucleotide complementary thereto, has a modification at its 3' end to reduce or block extension by a polymerase.

51. (Amended) The oligonucleotide of claim 40 comprising a mixture comprising members selected from the group consisting of

a) 3' unmodified members and members modified at their 3' end to reduce or block extension by a polymerase, and

b) a mixture of members differently modified at their 3' ends to reduce or block extension by a polymerase

[of modified and unmodified members or differently modified members comprising said sequence, or said oligonucleotide complementary thereto].

55. (Amended) The kit of claim 42 wherein one or more of said sequences has a [modified] 3' end modified to reduce or block extension by a polymerase.

56. (Amended) The kit of claim 42 comprising a mixture comprising unmodified members and members modified at their 3' end to reduce or block extension of said members by a polymerase, wherein said members comprise [modified and unmodified members comprising] one or more of said sequences.

100. (New) A kit for amplifying *Mycobacterial* nucleic acid, containing a first oligonucleotide comprising xCCAGGCCACTTCCGCTAACC, and a second oligonucleotide comprising